

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT L GLENN : CIVIL ACTION
v. :
JEFFREY BEARD, et al. : NO. 07-cv-3111

MEMORANDUM AND ORDER

AND NOW, this 15th day of August, 2007, it appearing that Petitioner has filed a petition in the United States District Court of the Middle District of Pennsylvania seeking Habeas Corpus relief pursuant to 28 U.S.C. §2254, and

it further appearing that the United States District Court of the Middle District of Pennsylvania transferred this matter to this court, and

it further appearing that contrary to Local Civil Rule 9.3(b) and Rule 2 of the Rules Governing Section 2254 Cases in the United States District Courts, this petition was not filed with the requisite current standard 28 U.S.C. §2254 form, prescribed by this Court, effective December 1, 2004, and

it further appearing that aside from the dictate of the aforesaid rules of court, that use of this Court's current standard form in 28 U.S.C. §2254 habeas cases is necessary so as to guarantee that Petitioner is made aware of the specific warnings required from this Court at the commencement of any 28 U.S.C. §2254 habeas case pursuant to **USA v. Thomas**, 221 F.3d 430 (3rd Cir. 2000) (which relates to the **strict and short** statute of limitations, created by 28 U.S.C. §2244(d), that exists for filing a 28 U.S.C. §2254 petition); and **Mason v. Meyers**, 208 F.3d 414 (3rd Cir. 2000) (which relates to the **strict** restrictions, created by 28 U.S.C. §2244(b), on a District Court's ability to consider a "second or successive" 28 U.S.C. §2254 petition) (these specific

Thomas and **Mason** warnings are contained in the introductory text of this Court's aforesaid current standard form), and that whereas this Court is required by the Third Circuit's language in the **Thomas** and **Mason** decisions to give petitioners in §2254 cases these **Thomas** and **Mason** warnings at the time of filing, that this court cannot "waive" the form requirements of Local Civil Rule 9.3(b), it is hereby

ORDERED that the Clerk of Court furnish Petitioner with a blank copy of this Court's current standard form for filing a petition pursuant to 28 U.S.C. §2254 (bearing the above-captioned civil action number), and, it is further

ORDERED that Petitioner shall complete this court's current standard form as directed by Local Civil Rule 9.3(b) and Rule 2 of the Rules Governing Section 2254 Cases in the United States District Courts (that is, by setting forth the core of his argument on the form itself, without recourse to attachments), and return it to the Clerk of Court within thirty (30) days or else this civil action will be dismissed.

/s/ JAMES KNOLL GARDNER

JAMES KNOLL GARDNER, U.S. District Judge